

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: FINANCIERA DE DESARROLLO INDUSTRIAL Y :  
COMERCIAL, S.A., :  
:

05 Civ. 2761 (JSR)

Plaintiff, :  
:

ORDER

-v- :  
:

PEPSI COLA COMPANY, :  
:

Defendant. :  
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USDC SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2-27-08

JED S. RAKOFF, U.S.D.J.

The above-captioned case was very recently reassigned to the undersigned from Judge Richard Owen. The case is presently stayed but counsel are not in total agreement as to when the stay should be lifted. Plaintiff's counsel takes the position that the stay should be lifted after the Peruvian courts have completed their consideration of the validity of the assignment at issue. Defendant's counsel takes the position that, even once the matter has been decided in the Peruvian courts, the stay should not be lifted until the Second Circuit has reached a decision in the related case, Compania Embottelladora Del Pacifico, S.A. v. Pepsi Cola Company, 03-7979-cv. Since, however, both sides are agreed that the case should remain stayed for now, the Clerk of the Court is directed to place the case on the Court's Suspense Calendar. In addition, counsel for the respective parties are hereby directed to keep this Court fully apprised of developments in the Peruvian courts and in the Second Circuit by sending letter reports to this Court, no less frequently than every six months, beginning June 1, 2008.

SO ORDERED.

  
JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
February 27, 2008